IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE: BOESEN, Peter V.	)
	) **APPEAL NO. _____**
SERIAL NO: 10/022,022	)
	)
FOR: VOICE COMMUNICATION DEVICE WITH FOREIGN LANGUAGE TRANSLATION	)
	)
	) **SUPPLEMENTAL**
	) **BRIEF ON APPEAL**
FILED: December 13, 2001	)
	)
GROUP ART UNIT: 2626	)
	)
CONF. NO: 2798	)

To the Commissioner of Patents and Trademarks
Mail Code Appeal Brief - Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This is in Response to the Notification of Non-Compliant Appeal Brief dated October 24, 2008. Please enter the following Supplemental Brief on Appeal into the record.

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Date: November 24, 2008

John D. Goodhue

John D. Goodhue

I. INTRODUCTION

This is an appeal of the Final Rejection dated December 11, 2007, finally rejecting claims 1-13 and 21-25, which are set forth in the attached Claim Appendix.

II. REAL PARTY IN INTEREST

The applicant, Dr. Peter V. Boesen, is the real party in interest in this appeal.

III. RELATED APPEALS AND INTERFERENCES

None.

IV. STATUS OF CLAIMS

Claims 1-13 and 21-25 are pending. Claims 14-20 have been cancelled. Claims 1-13 and 21-25 have been rejected. Claims 1-13 and 21-25 are appealed.

V. STATUS OF AMENDMENTS

The last Amendment filed September 25, 2007, has been entered. No Amendment After Final has been filed.

VI. SUMMARY OF CLAIMED SUBJECT MATTER

A. The invention

Independent claims include independent claims 1, 12, 13, 21, and 25. The invention provides for an earpiece 10 for use for voice communication where foreign translation is used. The earpiece 10 includes multiple microphones 18, 20, 22 which allow the reception of voice communications in microphone positions or orientations relative to the person wearing the earpiece (Specification, p. 3, lines 21-24). Switching between the different microphones 18, 20, 22 or selection of one or more of the microphones 18, 20, 22 may be performed either manually or automatically to detect different voice sound information signals. The selected voice sound information may then be amplified, processed, and translated (Specification, p. 3, lines 16-31). The earpiece 10 may be nonocclusive to allow the wearer of the earpiece to continue to hear environmental sounds (Specification, p. 3, lines 17-20).

B. Independent claim 1.

Claim 1 is directed towards a method of voice communication. Claim 1 includes providing an earpiece 10 having a housing and a plurality of microphones 18, 20, 22 within the earpiece housing, the earpiece 10 adapted for being worn by a user; selecting at least one of the plurality of microphones 18, 20, 22 within the housing of the earpiece to detect a selected voice communication by a person other than the user (p. 6, lines 10-20); receiving the selected voice communication of a first language from the selected microphones; translating the selected voice communication from the first language to a second language by an intelligent control, the second language different from the first to create a translated voice

communication; and transducing the translated voice communication at a speaker within the earpiece unit (Specification, p. 6, lines 20-24).

C. Independent claim 12.

Independent claim 12 is directed towards a method of voice communication. The method includes: providing an earpiece 10 having a housing and having a plurality of microphones 18, 20, 22 within the housing and a speaker 12 within the housing, the earpiece adapted 10 for being worn by a user; selecting one of the plurality of microphones 18, 20, 22 of the earpiece 10 to detect a selected voice communication (Specification, p. 6, lines 10-20); receiving the selected voice communication of a first language from the selected microphone; transmitting the selected voice communication from the earpiece unit 10 to a translation device 30 using a short range transmitter 26; translating the selected voice communication at the translation device 30 from the first language to a second language using an intelligent control, the second language different from the first to create a translated voice communication; transmitting the translated voice communication from the translation device 30 to the earpiece unit 10 using a short range transmitter 34; transducing the translated voice communication at the speaker 12 within the earpiece 10 (See FIG. 2; FIG 3).

D. Independent claim 13.

Independent claim 13 is also directed towards a method of voice communication. Independent claim 13 includes: providing an earpiece 10 having a housing and having a plurality of microphones 18, 20, 22 within the housing, the earpiece 10 adapted for being worn by a user; selecting one of the plurality of microphones 18, 20, 22 of an earpiece unit to

detect a selected voice communication (Specification, p. 6, lines 10-20); receiving the selected voice communication of a first language from the selected microphones; transmitting the selected voice communication from the earpiece unit 10 using a short range transmitter 26; receiving the selected voice communication with a short range receiver 32 and sending the selected voice communication over a communications channel to a remote unit 30; translating the selected voice communication at the remote unit from the first language to a second language using an intelligent control, the second language different from the first to create a translated voice communication; sending the translated voice communication from the remote unit over the communications channel; transmitting the translated voice communication to the earpiece 10 unit using a short range transmitter 34; and transducing the translated voice communication at a speaker 12 within the earpiece housing (See e.g. Specification, p. 6, line 10 to p. 7, line 2; FIG. 2; FIG. 3).

E. Independent claim 21.

Independent claim 21 is also directed towards a method of voice communication. Claim 21 includes: providing a nonocclusive earpiece housing 10 (Specification, p. 3, lines 17-20) and having a plurality of inputs (such as 18, 20, 22) for receiving voice communication and a speaker 12, the nonocclusive earpiece housing adapted for being worn by a user; receiving the voice communication from at least one of the inputs; translating the voice communication to a different language using an intelligent control to create a translated voice communication; transducing the translated voice communication at the speaker of the

nonocclusive earpiece 10 (See e.g. Specification, p. 6, line 10 to p. 7, line 2; FIG. 1; FIG. 2; FIG . 3).

F. Independent claim 25.

Independent claim 25 is directed towards a method of voice communication. Independent claim 25 includes: providing an earpiece 10 having a housing and a plurality of microphones 18, 20, 22 within the earpiece housing, the earpiece 10 adapted for being worn by a user; selecting at least one of the plurality of microphones 18, 20, 22 within the housing of the earpiece 10 to detect a selected voice communication (Specification, p. 6, lines 10-20); receiving the selected voice communication of a first language from the selected microphones; electronically translating the selected voice communication from the first language to a second language, the second language different from the first to create a translated voice communication (Specification, p. 6, line 25 to p. 7, line 2); and transducing the translated voice communication at a speaker 12 (See e.g. FIG. 1; FIG. 2; FIG. 3).

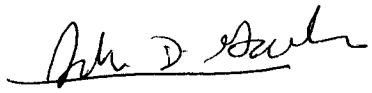
VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-13 and 21-24 are unpatentable under 35 U.S.C. § 103(a) as being obvious over Lee (US 2002/0010590) in view of Rueda (US Patent No. 6,157,727) and Aoki et al (US Patent No. 5,933,506)?

REMARKS

Please enter this Supplemental Brief on Appeal into record. This Supplemental Brief on Appeal includes Sections "Status of the Claims" and "Summary of the Claimed Subject Matter" per the Examiner's request. It is respectfully submitted that the case is now in condition for allowance.

Respectfully submitted,



JOHN D. GOODHUE, Reg. No. 47,603
McKEE, VOORHEES & SEASE
Attorneys of Record
CUSTOMER NO. 22885

801 Grand - Suite 3200
Des Moines, Iowa 50309-2721
515-288-3667